

BERGEN COUNTY COURTHOUSE
SUPERIOR COURT LAW DIV
BERGEN COUNTY JUSTICE CTR RM 415
HACKENSACK NJ 07601-7680

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 221-0700
COURT HOURS 8:30 AM - 4:30 PM

DATE: JUNE 02, 2021
RE: MUNIVES DAVID VS HL MOTOR GROUP, INC.
DOCKET: BER L -003582 21

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MICHAEL N. BEUKAS

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (201) 527-2600.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: MICHAEL S. RAFF
RAFF & RAFF LLP

30 CHURCH ST
PATERSON NJ 07505

ECOURTS

EXHIBIT A

RAFF & RAFF, LLP
Michael S. Raff, Esq.
Attorney ID: 021561997
30 Church Street
Paterson, New Jersey 07505
(973) 742-1917
Attorneys for Plaintiff

DAVID MUNIVES

Plaintiff,

vs.

HL MOTOR GROUP, INC., SCOTT E.
HORACE, MELISSA MOPOSITA, JAVIER
MUNIVES-CAVERO, JOHN DOE 1-10
(fictitiously named), and ABC CORP. 1-10
(fictitiously named)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

Docket No.

Civil Action

**COMPLAINT, DESIGNATION OF TRIAL
COUNSEL, DEMAND TO FORM C,
FORM C(1) UNIFORM
INTERROGATORIES, SUPPLEMENTAL
INTERROGATORIES, AND DEMAND
FOR PRODUCTION OF DOCUMENTS**

Plaintiff DAVID MUNIVES, residing in Lodi, Bergen County, by way of Complaint against the defendants, says:

1. On or about March 31, 2020, Defendants HL MOTOR GROUP, INC. and/or ABC CORP. 1 (fictitiously named) was/were the owner(s) of a commercial motor vehicle, namely a 2020 Volvo 760 tractor / truck.
2. At that time, Defendant ABC Corp. 2-5 (fictitiously named) was/were the owner(s) and/or lessees of the trailer attached to the aforementioned Volvo tractor / truck.
3. At that time, Defendant Scott E. Horace or John Doe 1-2 (fictitiously named) operated said Volvo in a north-bound direction on Main Street, at its intersection with Mt. Vernon Street, Ridgefield Park, Bergen County, New Jersey.
4. At the time and place aforesaid, Defendant Scott E. Horace and/or John Doe 2 (fictitiously named) was the agent, servant, and/or employee of Defendants HL MOTOR GROUP, INC. and/or

ABC CORP. 1 (fictitiously named) and operated the vehicle with its / their permission, both express and implied.

5. At the time and place aforesaid, Defendant Javier Munives-Cavero was the owner of motor vehicle, namely a 2007 Ford Fusion.

6. At the time and place aforesaid, Defendant Melissa Moposita operated said Ford vehicle in a south-bound direction on Main Street, at its intersection with Mt. Vernon Street.

7. At the time and place aforesaid, Defendant Moposita was the agent, servant, and/or employee of Defendant Javier Munives-Cavero and operated the vehicle with his permission, both express and implied.

8. At the time and place aforesaid, Plaintiff David Munives was riding as a passenger in Defendant Moposita's vehicle.

9. At the time and place aforesaid, Defendant Moposita's vehicle had just entered and had traveled through the intersection and came to a stop due to traffic in front of them. Defendant Horace then attempted to make a left turn onto Mt. Vernon Street. In the process, Defendant Horace's tractor trailer violently collided into Plaintiff's vehicle.

10. The aforementioned collision was proximately caused by the negligence, carelessness, and inattentiveness of the Defendants, and each of them, in their ownership, operation, and control of the aforementioned vehicles and trailer owned by them or under their control in the training, hiring, and entrusting of their vehicles / trailer to unsuitable persons, and in the maintenance of their vehicle / trailer in a safe and operable condition without any negligence on the part of the Plaintiff contributing thereto.

11. As a result of the negligence of the Defendants, as aforesaid, plaintiff was injured in and about his body; suffered severe and permanent personal injuries with consequent great pain and nervous shock; was required to undergo medical care and attention and incur medical bills and expenses; lost wages from employment; and will in the future be required to undergo medical care

and attention and incur medical bills and expenses.

WHEREFORE, Plaintiff requests judgment against Defendants, for damages, together with attorney's fees, interest, costs of suit, and such other and further relief as the court may deem proper.

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Daniel A. Levy, Esq., as trial counsel.

JURY DEMAND

DEMAND is hereby made for trial by jury on all issues.

CERTIFICATION PURSUANT TO 4:5-1

I certify that, to the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration proceeding and no other action or arbitration proceeding is contemplated. At the present time, I do not know the names of any other parties who should be joined in this action.

Dated: May 20, 2021



Michael S. Raff

INSTRUCTIONS FOR THE FOLLOWING REQUESTS FOR DISCOVERY

In answering these discovery requests, defendant is requested to furnish all information available to him/her, including information in the possession, custody or control of his/her attorneys or investigators, and all persons acting on his/her behalf and not merely such information known to defendant of his/her own personal knowledge. If defendant cannot answer the discovery requests in full after exercising due diligence to secure the information, defendant is requested to so state and answer to the extent possible, specifying his/her inability to answer or respond to the remainder of the discovery requests, stating whatever information or knowledge he/she has concerning the

unanswered portions of the discovery requests, and stating why he/she is unable to answer the unanswered portions.

The following discovery requests are to be considered as continuing and defendant is requested to provide, by way of supplementary answers thereto, such additional information as defendant or any other persons acting on his/her behalf may hereafter obtain, which will supplement or otherwise modify defendant's answers to these discovery requests.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R. 4:10-2(b), demand is made that defendants disclose to plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

Dated: May 20, 2021



Michael S. Raff

DEMAND FOR PRODUCTION OF DOCUMENTS

PLEASE TAKE NOTICE that pursuant to R.4:18-1, plaintiff demands the production for purposes of inspection and copying at the offices of Raff & Raff, 30 Church Street, Paterson, New Jersey 07505, within 45 days after service of the within pleadings, of the following items pertaining to the allegations of this Complaint:

1. All certificates of insurance and insurance policies pertaining to claims asserted in this action.

2. All statements in the possession of the defendant, their agents and/or their insurance carrier relating to the accident set forth in this Complaint. This is to include any statement the defendant(s) has given to his/her insurer, pursuant to *Pfender v. Torres*.
3. All photographs of motor vehicles involved in the accident, or of the accident location or parties, or of anything else relating in any way to the subject matter of this Complaint, in the possession of the defendant, their agents and their insurance carrier;
4. All property damage appraisals and estimates of damage to the motor vehicles involved in the accident which is the subject matter of this Complaint, in the possession of the defendant(s), their agents and/or defendant's insurance carrier.
5. All photographs, audiotapes, videotapes, DVD's and other electronic recordings relating to the subject matter of this Complaint, in the possession of the defendants, their agents and/or defendant's insurance carrier.
6. Copies of all treatises, periodicals, medical literature, and any other printed material that were/are to be reviewed by, examined by, or relied upon by defendant's expert in arriving at any of said expert's opinions in this case or said expert's trial testimony.
7. Copies of any and all of your defense experts' notes and any questionnaires, along with their curriculum vitae, or information request sheets completed, prepared, or signed by the plaintiff.

**DEMAND FOR ANSWERS TO FORM C, and FORM C(1) UNIFORM
INTERROGATORIES AND SUPPLEMENTAL INTERROGATORIES**

PLEASE TAKE NOTICE that pursuant to R.4:17-1(b)(ii) plaintiff demand certified answers to Form C and Form C(1) of the Uniform Interrogatories set forth in the Appendix to the Rules Governing Civil Practice and the following supplemental interrogatories:

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1. Specify where you were coming from and where you intended to go at the time of the accident (give the name and exact street address of each location).
2. State whether you consumed any drugs, medication or alcoholic beverages in the 24 hours before the accident, specifying the kind, amount and place where consumed.
3. Describe your path of travel, including speed, lane changes, during the last 500 feet of travel immediately before the point of impact.
4. State what you did, if anything, to avoid the accident.
5. State whether your license or driving privileges have been suspended/revoked within the last five years and indicate the reasons why.
6. If this defendant contends in any way that the injuries claimed by plaintiff(s) to have been caused by this incident were in fact not caused or in any way related to this incident, state fully and in detail each and every fact upon which defendant(s) will rely in support of said contention. Annex hereto copies of any and all medical records or other documents upon which defendant will rely in support of said contention.
7. If you have ever been involved in a motor vehicle accident prior to the subject accident, for each such accident, please state the date, time, location, description of accident, nature of summons issued (if any), automobile insurance carrier and attach copy of each police report.
8. With regard to defendant driver, please state what type of drivers license(s) you possessed at the time of the accident, how long you possessed it, what restrictions existed, (eyesight, learners permit, etc.) and attach a copy of all such drivers licenses(s).
9. If, after receiving Plaintiff's answers to interrogatories with attached medical records and reports, you dispute the necessity of any medical care provided to the plaintiff, or the reasonableness of the charges for that medical care, set forth all facts relevant to this disputed contention.

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10. State whether your vehicle has ever been used as part of a rideshare program, such as UBER or LYFT, and if so, specify dates and whether it was being used as such at the time of the collision.

RAFF & RAFF, LLP
Attorneys for Plaintiff



Dated: May 20, 2021

Michael S. Raff

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-003582-21

Case Caption: MUNIVES DAVID VS HL MOTOR GROUP, INC.

Case Initiation Date: 06/02/2021

Attorney Name: MICHAEL SCOT RAFF

Firm Name: RAFF & RAFF LLP

Address: 30 CHURCH ST

PATERSON NJ 07505

Phone: 9737421917

Name of Party: PLAINTIFF : MUNIVES, DAVID

Name of Defendant's Primary Insurance Company
(if known): GALLAGHER BASSETT

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (NON-VERBAL THRESHOLD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: DAVID MUNIVES? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

06/02/2021

Dated

/s/ MICHAEL SCOT RAFF

Signed